

## **II. Remarks**

### **A. Introduction**

Reconsideration and allowance of the subject application are respectfully requested. Claims 2-3 are pending in this application with Claim 2 being independent. Claim 2 has been amended to include the features of previous Claim 4. Claim 4 has been canceled. No new matter has been added.

### **B. Withdrawal of Rejections**

Applicants acknowledge and thank the Examiner for the withdrawal of the 35 U.S.C. §102(b) rejections relating to Kotek et al., Tsutsumi et al., Pletcher et al. and Tsutsumi et al, as indicated in the Office Action.

### **C. The Rejection Under 35 U.S.C. §112 Should Be Withdrawn**

Claims 2-4 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking enablement for the reasons set forth in the Office Action. However, the Office Action has not set forth the required reasoning to meet its burden to show how the specification fails to teach how to make and use the claimed invention without undue experimentation. *See* MPEP 2164.04.

In order to expedite prosecution, Claim 2 has been amended to delete compounds having formulae (XVIII), (XIX), (XX), (XXI) and (XXII). Accordingly, Applicants respectfully request that this rejection be withdrawn.

### **D. The Rejections under 35 U.S.C. §102(b) Should Be Withdrawn**

Claims 2-3 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by GB 1,115,335 to Shionogi & Co. Ltd. (hereinafter referred to as “Shionogi”) for the reasons set forth in the Office Action. Claim 2 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,637,452 to Speck (hereinafter referred to as “Speck”) for the reasons set forth in the Office Action. Applicants traverse these rejections in view of the amended claims.

A claim can be rejected under 35 U.S.C. § 102, “if each and every element as set forth in the claim is found . . . in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Claim 2 has been amended to recite a redox compound having at least one state of oxidation state wherein the compound is used as a negative electrode component in electrochemical generators when redox couples are comprised between 0.1 and 2V vs.  $\text{Li}^+/\text{Li}^0$ ; or

as a positive electrode component in electrochemical generator or as an active or passive electrode in electrochromic devices when redox couples are comprised between 2 and 3.7V vs.  $\text{Li}^+/\text{Li}^0$ .

The Office Action does not reject previous Claim 4 as being anticipated by Shionogi or Speck. Neither Shionogi nor Speck disclose a redox compound being used as a negative electrode component in electrochemical generators when redox couples are comprised between 0.1 and 2V vs.  $\text{Li}^+/\text{Li}^0$ ; or as a positive electrode component in electrochemical generator or as an active or passive electrode in electrochromic devices when redox couples are comprised between 2 and 3.7V vs.  $\text{Li}^+/\text{Li}^0$ , as recited in amended Claim 2. Therefore, neither Shionogi nor Speck teach or suggest each and every element of amended Claim 2. Accordingly, amended Claim 2 and the claim depending therefrom are not anticipated by Shionogi or by Speck. Applicants respectfully request that these rejections be withdrawn.

Claim 4 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,512,381 to Fleischer (hereinafter referred to as “Fleischer”) for the reasons set forth in the Office Action. Claim 4 has been canceled, thereby rendering the rejection thereof moot.

The subject matter of Claim 4 has been incorporated into amended Claim 2. The Office Action states that “Fleischer discloses a battery comprising an anode, a cathode, and a solid state electrolyte between the anode and the cathode, wherein the anode is composed of a material containing a proton-donating aromatic compound, the proton-donating aromatic compound being **rhodizonic acid** (claim 12).” See Office Action, page 4. However, the invention of amended Claim 2 utilizes a rhodizonic acid salt. The rhodizonic acid salt of amended Claim 2 includes the metal ion,  $2\text{M}^+$ . The rhodizonic acid salt of amended Claim 2 is not taught or suggested by Fleischer. Accordingly, the subject matter of previous Claim 4 is not anticipated by Fleischer for at least this reason.

In addition, the cation, M, of amended Claim 2 represents an alkaline metallic cation, an alkaline-earth cation, a transition metal cation, a rare earth cation, an organometallic cation, an organic cation of the “nium” type, a repetitive unit of a cationic oxidized conjugated polymer, or a monomeric or polymeric cation optionally having a redox character. See page 2, lines 16-19 of the originally filed specification. The cation, M, is not a proton and compounds of amended Claim 2 cannot be used as a source of protons. Fleischer does not teach or suggest such a metal ion. Accordingly, the subject matter of previous Claim 4 is not anticipated by Fleischer for at

least this reason. Applicants respectfully request that the rejection to the subject matter of previous Claim 4 be withdrawn.

**E. Conclusion**

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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